

COHN LIFLAND PEARLMAN HERRMANN & KNOPF LLP

COUNSELLORS AT LAW

PARK 80 PLAZA WEST-ONE · SADDLE BROOK, N.J. 07663 · 201-845-9600 · TELECOPIER 201-845-9423
General E-mail : clphk@njlawfirm.com
Internet Address: www.njlawfirm.com

August 29, 2008

VIA ECF ONLY

Honorable Joseph A. Greenaway, Jr., U.S.D.J.
United States District Judge
Federal Building and United States Courthouse
50 Walnut Street
Newark, N.J. 07101

In Re: K-Dur Antitrust Litigation
Case No.: 01-1652 (JAG)
MDL No.: 1419
Our File: 35,109

Dear Judge Greenaway:

I write on behalf of the Direct Purchaser Plaintiff Class requesting leave of court to file an over-length reply brief on our pending objections to Special Master Orlofsky's Amended Report and Recommendations as to Defendants' Motions for Summary Judgment as to the Upsher and ESI Settlement and Direct Purchaser Plaintiffs' Partial Motions for Summary Judgment as to the Applicable Framework for Analysis of Exclusion Payments and the Exclusionary Scope of the '734 Patent, which reply is due on June 17, 2009. As Your Honor may recall, defendants were granted leave, with our consent, to file a 65 page opposition. We seek permission to file a 30 page reply in Times New Roman 12.

I am authorized to represent to Your Honor that defendants do not object to this request.

Respectfully yours,


Peter S. Pearlman

PSP:glv

Enclosure

cc: All counsel listed on the attached
Service List (via e-mail only)

In re K-Dur Antitrust Litigation

Service List

John W. Nields, Jr., Esq.
Alan M. Wiseman, Esq.
Howrey, Simon, Arnold & White, LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004
Phone: 202-783-0800
Fax: 202-383-6610
Attorneys for Defendant
Schering-Plough Corporation

Christopher M. Curran, Esq.
Karie Jo Barwind, Esq.
Jamie M. Crowe, Esq.
White & Case, LLP
601 Thirteenth Street, N.W.
Washington, DC 20005
Phone: 202-626-3600
Fax: 202-639-9355
Attorneys for Defendant
Upsher-Smith Laboratories, Inc.

Brian J. McMahon, Esq.
Gibbons, Del Deo, Dolan, Griffinger &
Vecchione, P.C.
One Riverfront Plaza
Newark, NJ 07102
Phone: 973-596-4500
Fax: 973-596-0545
Attorneys for Defendant Wyeth

William J. O'Shaughnessy, Esq.
Harvey C. Kaish, Esq.
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, NJ 07101
Phone: 973-622-4444
Fax: 973-624-7070
Attorneys for Defendant
Schering-Plough Corporation

William E. Goydan, Esq.
Wolff & Samson
One Boland Drive
West Orange, NJ 07052
Phone: 973-325-1500
Fax: 973-325-1501
Attorneys for Defendant
Schering-Plough Corporation

Robert Michels, Esq.
Winston & Strawn LLP
35 West Wacker Driver, 45th Floor
Chicago, IL 60601
Phone: 312-558-5600
Fax: 312-558-5700
Attorneys for Defendant Wyeth

Douglas H. Patton, Esq.
Dewsnup, King & Olsen
2020 Beneficial Tower
36 South State Street
Salt Lake City, UT 84111
Phone: 801-533-0400
Fax: 801-363-4218
*Coordinating Counsel for
Non-Class Pharmacy Purchasers*

Stuart Des Roches, Esq.
John G. Odom, Esq.
Andrew Kelly, Esq.
Charles Zimmer, Esq.
Odom & DesRoches
Poydras Center
650 Poydras Street - Suite 2020
New Orleans, LA 70130
Fax: (504) 522-0078

Michael Heim, Esq.
Douglas Wilson, Esq.
Heim Payne & Chorush, LLP
Chase Tower,
600 Travis, Suite 6710
Houston, Texas 77002-2910
Tel: (713) 238-8000
Fax: (713) 238-8070
*Additional Counsel for Direct Purchaser
Class Plaintiffs*

Mark S. Armstrong, Esq.
Squire, Sanders & Dempsey
6250 Chase Tower
6000 Travis Street
Houston, TX 77002
Tel: (713) 543-3351
Fax: (713) 546-5830

David P. Smith, Esq.
Percy, Smith, Foote & Gadel
720 Murray Street
P.O. Box 1632
Alexandria, LA 71309
Aubrey Calvin, Esq.

Barry S. Taus, Esq.
Kimberly Hennings, Esq.
Garwin, Gerstein & Fisher, LLP
1501 Broadway, Suite 1416
New York, NY 10036
Phone: 212-398-0055
Fax: 212-764-6620
Co-Lead Plaintiffs Counsel

Scott E. Perwin, Esq.
Lauren Ravkind, ESq.
Kenny Nachwalter, Seymour, Arnold
Critchlow & Spector
1100 Miami Center
201 South Biscayne Blvd.
Miami, FL 33131-4327
Tel: 305-373-1000
Fax: 305-372-1861

Barry L. Refsin, Esq.
Hangley Aronchick Segal & Pudlin
One Logan Square, 27th Floor
Philadelphia, PA 19103
Tel: 215-496-7031
Fax: 215-568-0300

Steve Shadowen, Esq.
Gordon A. Einhorn, Esq.
Hangley Aronchick Segal & Pudlin
30 North Third Street, Suite 700
Harrisburg, PA 17101-1719
Tel: 717-364-1030
Fax: 717-364-1020
*Counsel for Non-Class Pharmacy
Purchasers*

Claire Calvin, Esq.
The Calvin Law Firm
808 Travis Street, Suite 2300
Houston, TX 77002
Tel: (713) 224-5771
Fax: (713) 225-0038

Daniel Berger, Esq.
David Sorenson, Esq.
Peter Kohn, Esq.
Dan Simons, Esq.
Neil Clark, Esq.
Berger & Montague, P.C.
1622 Locust Street
Philadelphia, PA 19103
Tel: 215-875-3000
Fax: 215-875-4671
Co-Lead Counsel for
Direct Purchaser Class Plaintiffs

